

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT AND  
12.11.501, 12.11.615, and 12.11.625 ) ADOPTION  
and the adoption of NEW RULE I )  
pertaining to recreational use on the )  
Blackfoot River Recreation Corridor )

TO: All Concerned Persons

1. On March 26, 2015, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-440 pertaining to a public hearing on the proposed amendment and adoption of the above-stated rules at page 292 of the 2015 Montana Administrative Register, Issue Number 6.

2. The commission has amended ARM 12.11.501, 12.11.615, and 12.11.625 as proposed.

3. The commission has adopted NEW RULE I (ARM 12.11.616) as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (ARM 12.11.616) BLACKFOOT RIVER RECREATION  
CORRIDOR (1) The Blackfoot River Recreation Corridor includes:

(a) a portion of the Blackfoot River from the Missoula-Powell County line downstream to Johnsrud Park Fishing Access Site; and

(b) a portion of the Clearwater River from Highway 200 downstream to the confluence with the Blackfoot River.

(2) Unless otherwise signed, the public is permitted to occupy:

(a) 50 feet above the ordinary high water mark from the Missoula-Powell County line ~~Russell Gates Memorial~~ to Corrick's Riverbend Fishing Access Site on the Blackfoot River;

(b) 50 feet above the ordinary high water mark from Clearwater Crossing Fishing Access Site to Clearwater Bridge on the Clearwater River; and

(c) 1/4 mile from the Blackfoot River or to the Corridor Road, whichever is greater, from Corrick's Riverbend Fishing Access Site to Johnsrud Park Fishing Access Site on the Blackfoot River.

(3) Camping is permitted in designated areas only.

(4) Building and maintaining a fire is permitted in designated areas only.

(5) Discharge of any firearm, air or gas weapon, or arrow from a bow is prohibited except for legal game hunting.

(6) Discharge of fireworks is prohibited.

(7) Pets must remain within sight and under control at all times.

(8) Within designated camping areas, pets must remain on a leash at all times.

(9) Motor vehicles are to remain within authorized roadways and designated parking areas.

(10) Glass bottles and containers are prohibited.

(5) (11) It is the responsibility of the public to know the current regulations, rules, and laws governing the use and occupancy of the land within the Blackfoot River Recreation Corridor. If there is any question, the stream access law should be applied. This rule is in effect as long as the Blackfoot River Recreation Corridor Agreement is in effect.

AUTH: 23-2-302, 87-1-303, MCA

IMP: 23-2-302, 87-1-303, MCA

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

Comment 1: One person recommended the need for bear-resistant food boxes or game poles and adopt the Smith River protocol for food storage.

Response 1: Department-owned float-ins will all have bear-resistant food storage by 2016.

Comment 2: One person stated the rules should limit outfitting to a maximum of two launches per outfitter, per section, per day. The traffic needs to be spread out along the river.

Response 2: Commercial use, such as outfitting, and limits on commercial use is outside the scope of this rulemaking process.

Comment 3: Two people submitted comments directed to the agreement between the landowners and the department.

Response 3: The terms of the agreement are outside the scope of this rulemaking process.

Comment 4: One person stated the public was not given an opportunity to provide comment regarding the ability to camp along the river corridor.

Response 4: The public was provided with an opportunity to comment through this rulemaking process.

Comment 5: One person stated the land use rules cited in the agreement were for use on department land only and not adopted for private land use in the administrative rule proposal.

Response 5: The commission adopted the rule with the appropriate language added to NEW RULE I (ARM 12.11.616).

/s/ Dan Vermillion

Dan Vermillion, Chairman  
Fish and Wildlife Commission

/s/ Aimee Fausser

Aimee Fausser  
Rule Reviewer

Certified to the Secretary of State July 6, 2015.